IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6735 OF 2005

Dr.Sakharam Haribhau Gavane. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Rajiv Patil i/by Shri S.A.Bhosale for the Applicant.

Ms.Rajashree Gadhvi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 19th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. This is an application for anticipatory bail. Offence has been registered under sections 409, 420, 406 read with section 34 of the Indian Penal Code. The allegation is that the Applicant in his capacity as Divisional Controller of the Maharashtra State Road Transport Corporation purchased PVC Mattresses unauthorisedly and as a result thereof loss has been caused to the Maharashtra State Road Transport Corporation. The learned Advocate appearing for the Applicant placed reliance on the communication dated 16th September 2005 issued by the General Manager of the Maharashtra State Road Transport Corporation which authorises the Divisional Controller to purchase PVC carpets and it further states that there will be no

upper limit for the purchase. He submitted that only after scrutiny of the quotations received, the deal has been entered into. He pointed out that the order passed by the Sessions Court by which for similar offences anticipatory bail has been granted to the Applicant on the basis of the communication dated 16th September 2005.

2. The learned A.P.P. submitted that the allegations against the Applicants are of serious nature requiring custodial interrogation. However, the learned A.P.P. could not dispute the existence of the communication dated 16th September 2005.

3. I have considered the submissions. Prima-facie, in view of the communication dated 16th September 2006, it appears to me that the Applicant was authorised to purchase P.V.C. carpets. There is some material to show that even quotations were invited and after consideration thereof, the contract was given. Considering the aforesaid facts, a case is made out for grant of pre-arrest bail to the applicant.

4. Hence the following order is passed:

(i) In the event of the arrest of the Applicant in connection with C.R.No.358 of 2005 registered with Satara City Police Station,

the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station as and when called upon to do so till the filing of the charge sheet and will cooperate for the investigation.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the

Applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.